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HELENA, MONTANA

FILED June 19, 2017
ANGIE SPARKS, Clerk of District Court
By F. ZEIGLER Deputy

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

STATE OF MONTANA, Plaintiff, v. BOONE BLOCK, Defendant.	Cause No. BDC-2016-467 JUDGMENT AND ORDER DEFERRING IMPOSITION OF SENTENCE
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The Defendant, Boone Block, was charged by Information with COUNT I: THEFT (ATTEMPTED), by common scheme, a felony, in violation of Mont. Code Ann. §§ 45-6-301(5)(b), -301(8)(b)(i), and 45-2-101(8), or in the alternative, COUNT II: FALSE CLAIM TO PUBLIC AGENCY, a felony, in violation of Mont. Code Ann. § 45-7-210(1),(2)(b). The Defendant pleaded not guilty and a jury trial was set. The Defendant then moved the Court to vacate the trial and set a hearing to change his plea to guilty.

On June 14, 2017, the Defendant appeared in Court for a change of plea hearing. The Defendant was represented by his attorney, J. Mayo Ashley. The State was represented by Assistant Attorney General Mary E. Cochenour. The State advised the Court that the parties had reached a plea agreement in this case. The Defendant presented the Court with a written and signed Acknowledgement and Waiver of Rights and Plea Agreement. The plea agreement called for the Defendant to plead guilty to Count II, False Claim to Public Agency, with an agreed upon sentence by the parties.

The Court advised the Defendant of his Constitutional rights, the maximum penalty for the offense of COUNT II, a felony, False Claim to Public Agency, and the fact that the Court was not bound to any agreement reached between the prosecutor and the Defendant. The Defendant then entered a plea of guilty to the offense of False Claim to a Public Agency and provided the Court with a factual basis for his guilty plea, stating that he knowingly submitted a false report to the Montana State Fund so that he could collect workers' compensation benefits that he was not entitled to receive. The Defendant also stated that the aggregate value of the claim was over \$1,500. The Court accepted the Defendant's plea of guilty and proceeded to a sentencing hearing at the request of the Defendant. Both the State and the Defendant agreed that a presentence investigation report was not necessary in this case due to the probationary sentence and lack of criminal history of the Defendant. Based on the representations and agreement of the parties, the Court finds that a presentence investigation report is not necessary in this case.

Counsel for the State and the Defendant, pursuant to the plea agreement, jointly recommended that the Defendant's imposition of sentence be deferred for a period of three years, subject to a number of conditions and agreement that the Defendant pay a \$3,000 fine and court surcharges.

The Court having considered the recommendations of the parties, and being fully advised on the premises, entered the following JUDGMENT AND ORDER:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that for the felony offense of FALSE CLAIM TO A PUBLIC AGENCY, the Court finds the Defendant guilty. The Court orders that the Defendant shall pay a \$3,000 fine. The Court further orders that imposition of Defendant's sentence is deferred for a period of three years, subject to the following conditions:

1. that Defendant be placed under the Department of Corrections' supervision, pay any mandatory supervision fees unless granted a

waiver, and follow their standard rules and regulations, including the following:

- (a) The offender must obtain prior approval from his supervising officer before taking up residence in any location. The offender shall not change his place of residence without first obtaining written permission from his supervising officer or the officer's designee. The offender must make the residence open and available to an officer for a home visit or for a search upon reasonable suspicion. The offender will not own dangerous or vicious animals and will not use any device that would hinder an officer from visiting or searching the residence.
- (b) The offender must obtain permission from his supervising officer or the officer's designee before leaving his assigned district.
- (c) The offender must seek and maintain employment or maintain a program approved by the Board of Pardons and Parole or the supervising officer. Unless otherwise directed by his supervising officer, the offender must inform his employer and any other person or entity, as determined by the supervising officer, of his status on probation, parole, or other community supervision.
- (d) Unless otherwise directed, the offender must submit written monthly reports to his supervising officer on forms provided by the probation and parole bureau. The offender must personally contact his supervising officer or designee when directed by the officer.
- (e) The offender is prohibited from using, owning, possessing, transferring, or controlling any firearm, ammunition (including black powder), weapon, or chemical agent such as oleoresin capsicum or pepper spray.
- (f) The offender must obtain permission from his supervising officer before engaging in a business, purchasing real or personal property, or purchasing an automobile, or incurring a debt.
- (g) Upon reasonable suspicion that the offender has violated the conditions of supervision, a probation and parole officer may search the person, vehicle, and residence of the offender, and the offender must submit to such search. A probation and parole officer may authorize a law enforcement agency to conduct a search, provided the probation and parole officer determines reasonable suspicion exists that the offender has violated the conditions of supervision.
- (h) The offender must comply with all municipal, county, state, and federal laws and ordinances and shall conduct himself as a good citizen. The offender is required, within 72 hours, to report any arrest or contact with law enforcement to his supervising officer or designee. The offender must be cooperative and truthful in all communications and dealings with any probation and parole officer and with any law enforcement agency.

- (i) The offender is prohibited from using or possessing alcoholic beverages and illegal drugs. The offender is required to submit to bodily fluid testing for drugs or alcohol on a random or routine basis and without reasonable suspicion.
 - (j) The offender is prohibited from gambling.
 - (k) The offender must pay all fines, fees, and restitution ordered by the sentencing court.
- 2. Defendant will submit a DNA sample to the State in accordance with Mont. Code Ann. § 44-6-103.
 - 3. Defendant shall pay the mandatory surcharge of \$80.
 - 4. Defendant shall pay a \$3,000 fine.
 - 5. Upon motion by the State, Count I of the Information is dismissed.

Pursuant to Mont. Code Ann. § 46-18-116, the parties are advised that if a written judgment and an oral pronouncement of sentence or other disposition conflict, the Defendant or the prosecutor in the county in which the sentence was imposed may, within 120 days after filing of the written judgment, request that the Court modify the written judgment to conform to the oral pronouncement. The Court shall modify the written judgment to conform to the oral pronouncement at a hearing, and the Defendant must be present at the hearing unless the Defendant waives the right to be present or elected to proceed pursuant to Mont. Code Ann. § 46-18-115. The Defendant and the prosecutor waive the right to request modification of the written judgment if a request for modification of the written judgment is not filed within 120 days after the filing of the written judgment in the sentencing Court.

Any bond posted in this matter is exonerated.

Done June 14th, 2017, in open court.

Dated this 19th day of June, 2017.

MICHAEL F MCMAHON

HONORABLE MICHAEL F. MCMAHON
District Court Judge